

**DRINKING WATER & WASTEWATER PROFESSIONALS**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 8/5/2015**

**BOARD MEMBERS PRESENT:** Barry N. Burnell - Chair  
Dr. Joan M. Cloonan  
John R. Lee  
Jack V. Bennion  
Brad Don Andersen  
Dion W. Holton  
Bryan A. Lacy

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Dawn Hall, Administrative Support Manager  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, General Counsel  
Mitchell Toryanski, Legal Counsel  
Roger Hales, Attorney  
Cherie Simpson, Management Assistant  
Kellie LaBonte, Technical Records Specialist

**OTHERS PRESENT:** Mike Shepherd, City of Weiser  
Hank O'Krakel, City of Nampa  
Leslie Wilder, BAT and Supply  
Kevin McLeod, IRWA  
John Nielsen, DBS – Plumbing Program Manager  
Matthew Gardner, Plumbing Board Chairman  
Jason Penagos, Sawtooth Plumbing

The meeting was called to order at 8:30 AM MDT by Barry N. Burnell.

**APPROVAL OF MINUTES**

Dr. Cloonan made a motion to approve the minutes of 4/29/2015. It was seconded by Mr. Holton. Motion carried.

**LEGISLATIVE REPORT**

Ms. Cory reminded the Board of the deadlines for legislative changes – proposed law changes are due to the Governor's Office August 1st and proposed rule changes are due the third week in August.

## **FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$424,867 as of 6/30/2015.

## **BOARD CONTRACT**

Ms. Hall presented the Board Contract for FY 2016. Mr. Lee made a motion to approve the contract and authorize the Board Chair to sign. It was seconded by Dr. Cloonan. Motion carried.

## **INVESTIGATIVE REPORT**

Ms. Peel gave the investigative report, which is linked above.

## **COURT DECISION – BOARD IMMUNITY**

Mr. Toryanski discussed the North Carolina State Board of Dental Examiners vs. The Federal Trade Commission.

## **TO DO LIST**

The list was reviewed, no action was taken.

## **OPERATOR INFORMATION REPORT**

Discussion regarding the current number of operators, licenses and age groups was held. The Board noticed that the number of operators who are at or near retirement age is increasing, while the number of operators who are younger is not increasing at the same rate. This is a concern to the Board.

Mr. Lee made a motion to form a subcommittee consisting of Mr. Burnell, Dr. Cloonan and Mr. Lacy to research options of bringing awareness of this profession for the sake of public protection. Motion carried.

## **BACKFLOW ASSEMBLY TESTER (BAT) INSTRUCTOR GUIDELINES**

The Board reviewed the most recent draft of the guidelines. Discussion was held. Mr. Andersen made a motion to approve the guidelines once the changes have been made and ask that Dr. Cloonan and a Bureau staff member work together to have these guidelines posted on the Board's website. It was seconded by Mr. Holton. Motion carried.

## **EXECUTIVE SESSION**

Mr. Bennion made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider

license application materials. It was seconded by Mr. Lee. The vote was: Mr. Burnell, aye; Dr. Cloonan, aye; Mr. Lee, aye; Mr. Bennion, aye; Mr. Andersen, aye, Mr. Holton, aye and Mr. Lacy, aye. Motion carried.

Dr. Cloonan made a motion to come out of executive session. It was seconded by Mr. Lee. The vote was: Mr. Burnell, aye; Dr. Cloonan, aye; Mr. Lee, aye; Mr. Bennion, aye; Mr. Andersen, aye, Mr. Holton, aye and Mr. Lacy, aye. Motion carried.

## **BAT SCOPE OF PRACTICE**

Mr. Hales presented the draft of the scope of practice and definitions. Discussion was held by the Board.

Dr. Cloonan made a motion to have Mr. Hales make the revisions to Idaho Codes 54-2402 and 54-2403 as discussed. This revision is to be presented to the subcommittee consisting of Mr. Burnell, Dr. Cloonan and Mr. Andersen. This motion was seconded by Mr. Bennion. Motion carried.

Further discussion took place later in the meeting.

## **STATUTE/RULE CHANGES NEW IDAHO CODE 67-2614**

Mr. Toryanski presented the draft of Rule 200.06 which complies with the changes to renewal and reinstatement provisions to Idaho Code 67-2614. Mr. Lee made a motion to approve the changes to Rule 200.06. It was seconded by Mr. Holton. Motion carried.

## **POSSIBLE RULE CHANGE 335.02 AND 340.02**

Mr. Hales presented draft of proposed rule changes to the Board. Mr. Hales indicated that working with the draft that did not include enlargement of scope of practice is more practical at this time since changes in the law need to go before the legislature first, and then any rule changes will follow the next year.

Dr. Cloonan made a motion to authorize publication in Administrative Rule with changes as amended. It was seconded by Mr. Andersen. Motion carried.

## **BACKFLOW ASSEMBLY TESTING DISCUSSION**

Discussion was held by the Board with Matthew Gardner, Chair of the Plumbing Board (by phone) and John Nielsen, Plumbing Program Manager (in person.) The Board requested input from the plumbing industry regarding the proposed changes to Idaho Code regarding the scope of practice for BATs. Potential problematic issues were discussed. Based on this discussion, the draft was revised. A new motion was made replacing the motion made earlier in the meeting. Dr. Cloonan made a motion to have Mr. Hales revise the draft as determined during discussion. The draft will then

be reviewed by the subcommittee and Division of Building Safety Plumbing staff. It was seconded by Mr. Bennion. Motion carried.

### **ASSOCIATION OF BOARDS OF CERTIFICATION (ABC) Discussion – Conference**

Discussion was held regarding the Board's involvement with ABC and how the involvement may be improved. Many services are offered by ABC and Board members feel that this should be looked into in further detail. The Board discussed sending members to the conference that will be held in 2016.

Mr. Lee made a motion to send Dr. Cloonan, Mr. Andersen (Mr. Lee as a back-up member) and Kellie LaBonte to the ABC conference. It was seconded by Mr. Holton. Motion carried.

### **BOARD ELECTION**

Board elections were held. Mr. Lacy made a motion to confirm the re-election of Barry Burnell as Board Chair and the election of Dr. Cloonan as Vice-Chair. Mr. Holton seconded this motion. Motion carried.

The Board presented plaques to both Mr. Holton and Mr. Bennion for their years of service on the Board. Their service has been appreciated.

### **NEXT MEETING DATE**

The Board's next meeting is scheduled for November 4, 2015 at 8:30 AM.

### **CORRESPONDENCE**

The Board reviewed correspondence. Mr. Holton made a motion to have Mr. Ellsworth draft a letter in response to the individuals who addressed the Board in writing. The response will be sent to the Board Chair for review and approval. Dr. Cloonan seconded the motion. Motion carried.

### **EXECUTIVE SESSION**

Mr. Holton made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Dr. Cloonan. The vote was: Mr. Burnell, aye; Dr. Cloonan, aye; Mr. Lee, aye; Mr. Bennion, aye; Mr. Andersen, aye, Mr. Holton, aye and Mr. Lacy, aye. Motion carried.

Dr. Cloonan made a motion to come out of executive session. It was seconded by Mr. Holton. The vote was: Mr. Burnell, aye; Dr. Cloonan, aye; Mr. Lee, aye; Mr. Bennion, aye; Mr. Andersen, aye, Mr. Holton, aye and Mr. Lacy, aye. Motion carried.

## APPLICATIONS

Mr. Holton made a motion to approve 19 applications for licensure; to approve 67 applications for exam; to deny 4 applications; and to hold 5 applications pending more information. It was seconded by Dr. Cloonan. Motion carried.

### Approved for Licensure

BENAVIDES DERAN MARCOS	DWT1-20610
BORDERS COLTER ALLEN	WWC1-20596
BRYANT STUART JOHN	DWT1-20577
CHANDLER ROBERT	WWT1-20161
CUSTER ZANE ANDREW	WWT1-20588
GIER NATHAN	WWT1-20560
GRAHAM WILLIAM ROGER	WWT2-20602
HALL LARRY ALLAN	WWC1-20672
ISELL DANIEL	WWT1-20568
KAST MALORIE DALYNN	WWT1-20556
LONG TY M	WWT4-20578
LORD MICHAEL ANDREW	WWC1-20608
MCGRAW DONOVAN RALPH	BAT-20635
MOREIRA MATTHEW J	DWD1-20590
OLSEN RENEE	WWT2-20645
PENAGOS JASON	BAT-20569
SLYTER JAKE LEON	DWD1-20600
SMITH JASON DENNIS	DWD1-20628
SMITH JASON DENNIS	DWT1-20627

### Approved for Exam

ANDERSON LOREN WALLACE	DWT2
ARNOLD SHANE	DWD2
BAILEY JOSEPH PAUL	DWD2
BANN CHRISTOPHER MICHAEL	DWT2
BARNES JESSICA MAE	WWT1
BATES LINDSEY	WWL1
BLACKNER RUSTY KENT	WWT2
BRADLEY ANDREW SCOTT	DWD1
BRANSON ALAN LEE	DWT3
BRINKLY DUSTIN L	WWC1
CAREY WILLIAM J	DWT2
CEGNAR CAMILLE S	DWT3
CHAFFEE TIMOTHY W	DWT1
CHAPMAN MARK LE	WWT3
CROSLAND JAMES ALLEN	WWTLA
CURTIS HOWARD KENT	WWC1
DELANEY JOHNNY LYNN	WWL1
DICE ADRIAN KENNETH	DWT3
DICE ADRIAN KENNETH	DWD2
EDGERTON CARL M	WWL1

ESPINOLA MIGUEL	WWC2
EVANS CODY	WWCOIT
FALKINGHAM WILLIAM D	WWC4
HAGEMANN DUSTIN LEE	WWT4
HAWKER RODGER BEN	WWC1
HEATON CHAS	DWD3
HENRY BRADLEY J	WWC4
HESS PAUL VICTOR	DWD1
HINKLE DARRYL ANDERSON	DWD2
HORN CHAD EDWARD	WWCOIT
HOWELL NATHAN MICHAEL	WWL1
JOHNSON LEONARD ROY	WWT1
KIMPTON JEREMY RAY	WWC1
KOSSOW CHRIS D	WWT3
LAIRD BRETT A	DWD3
LAMB MICHAEL L	DWD1
LEAMON JEFF S	WWL2
MCCRACKEN DYLAN	DWD2
MOORE MARK	WWT4
MORROW BROCK W	WWT4
NEY PETER A	WWC1
NORDGAARDEN ERIC DANIEL	WWT2
PARKHURST GEORGE MATTHEW	DWD1
PARSONS ADRIAN REX	WWC1
PETERSON WESLEY DARRELL	DWD4
PHELPS BRANDI	DWDVSWWS
PHELPS KALEN	DWDVSWWS
POPE RONALD JOHN	DWT1
ROSS HAMILTON WADE	WWC1
SCHIERMEISTER CANDI SUE	WWT1
SKILLINGS JAMES MARTIN	WWT1
SMITH JAMEN KEL	DWD2
SMITH LAUREN CASSIDY FAHEY	WWL3
SORENSEN KEVIN IREC	DWDVSWWS
STANLEY JONATHAN T	DWD2
STEIGER SCOTT	WWCOIT
STRICKLIN RICK F	DWT1
THOMPSON RAY E	DWDVSWWS
TOGNONI GIOVANNI J	WWC2
TUCKER MICHAEL REED	WWC2
URZUA JESSE	DWD1
VELMAN CHARLES A	DWT1
VERT JEFFERY T	WWC3
VILLEGAS JOEL	DWD1
WELBORN TANYA ROCHELL	WWL1
WILKERSON TIM D	WWT2
WILKERSON TIM D	WWTLA

Denied

ALLINGER PATCH ALPHONSE VON  
FOLEY GREGORY C  
HOWE DUSTIN MICHAEL  
SULLIVAN RYAN DON

Pending

901140151  
901139519  
901092695  
901116023  
901138431

## ADJOURNMENT

Mr. Holton made a motion to adjourn the meeting at 1:20 PM. It was seconded by Dr. Cloonan. Motion carried.

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Barry N. Burnell, Chair

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Dr. Joan M. Cloonan

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Bryan A. Lacy

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John R. Lee

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Jack V Bennion

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Brad Don Andersen

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Dion W Holton

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Tana Cory, Bureau Chief